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★ AUG 12 2010 ★

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UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF NEW YORK

DANIEL KOZIORYNSKI, x

Plaintiff, :

-against- :

CYCLOPS SHIPS LTD., AGROS SHIPPING CO., LTD., LONDON CHARTERING LTD., WORLD TANKERS MANAGEMENT PTE., LTD., and the M/V AGROS, her engines, tackle, equipment and appurtenances, *in rem*, :

Defendants. :

WEINSTEIN, J.

AZRACK, M.J.

PLAINTIFF DEMANDS A TRIAL BY JURY

**10 3689**

**COMPLAINT**

Civil Action No:

Plaintiff, DANIEL KOZIORYNSKI, by his attorneys, FRIEDMAN, JAMES & BUCHSBAUM LLP, for his Complaint, respectfully alleges upon information and belief as follows:

**Jurisdiction and Venue:**

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1332 in that the claims asserted herein are between citizens of different states and the amount in controversy, exclusive of interest and costs, exceeds the sum or value of \$75,000.
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(a) in that a substantial part of the events or omissions giving rise to the claim occurred within this District.

**Parties:**

3. At all relevant times, plaintiff DANIEL KOZIORYNSKI was and still is a citizen of the State of New Jersey.
4. At all relevant times, defendant CYCLOPS SHIPS LTD. was and still is an entity organized and existing pursuant to the laws of a foreign country and at the time of occurrence herein alleged was transacting business within the State of New York and/or the navigable waters of the State of New York within this District.
5. At all relevant times, defendant AGROS SHIPPING CO., LTD. was and still is an entity organized and existing pursuant to the laws of a foreign country and at the time of occurrence herein alleged was transacting business within the State of New York and/or the navigable waters of the State of New York within this District.
6. At all relevant times, defendant LONDON CHARTERING LTD. was and still is an entity organized and existing pursuant to the laws of a foreign country and at the time of occurrence herein alleged was transacting business within the State of New York and/or the navigable waters of the State of New York within this District.
7. At all relevant times, defendant WORLD TANKERS MANAGEMENT PTE., LTD. was and still is an entity organized and existing pursuant to the laws of a foreign country and at the time of occurrence herein alleged was transacting business within the State of New York and/or the navigable waters of the State of New York within this District.
8. At all relevant times, defendant CYCLOPS SHIPS LTD. owned, possessed, managed, operated, manned and controlled the M/V [Motor Vessel] "Agros" (hereinafter the "Vessel") and/or was the bareboat charterer, and/or was the owner *pro hac vice* thereof, in coastwise,

inter-coastal and/or foreign commerce.

9. At all relevant times, defendant AGROS SHIPPING CO., LTD. owned, possessed, managed, operated, manned and controlled the Vessel and/or was the bareboat charterer, and/or was the owner *pro hac vice* thereof, in coastwise, inter-coastal and/or foreign commerce.

10. At all relevant times, defendant LONDON CHARTERING LTD. owned, possessed, managed, operated, manned and controlled the Vessel and/or was the bareboat charterer, and/or was the owner *pro hac vice* thereof, in coastwise, inter-coastal and/or foreign commerce.

11. At all relevant times, defendant WORLD TANKERS MANAGEMENT PTE., LTD. owned, possessed, managed, operated, manned and controlled the Vessel and/or was the bareboat charterer, and/or was the owner *pro hac vice* thereof, in coastwise, inter-coastal and/or foreign commerce.

12. The Vessel presently is, or during the pendency of this action will be, within the Federal Judicial District in which this action has been commenced.

13. On or about January 4, 2008, plaintiff DANIEL KOZIORYNSKI was in the employ of Goltens-New York Corp. as a harbor worker.

**AS AND FOR A FIRST CAUSE OF ACTION**

14. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 13 inclusive as if set forth fully at length herein.

15. On January 4, 2008, while plaintiff DANIEL KOZIORYNSKI was performing services to the Vessel within the navigable waters of this District, he was caused to be seriously injured.

16. At all times material hereto, plaintiff was engaged in performing services within the purview of the Longshore and Harbor Worker's Compensation Act, 33 U.S.C. § 901 *et seq.*

17. Said injuries were caused by the negligence of the defendants CYCLOPS SHIPS LTD. and/or AGROS SHIPPING CO., LTD. and/or LONDON CHARTERING LTD. and/or WORLD TANKERS MANAGEMENT PTE., LTD., or any of them, in its/their ownership, possession, management, operation, manning and control of the Vessel, its equipment, crew and/or appurtenances, and by otherwise breaching the obligations of 33 U.S.C. § 905(b) and its implementing regulations.

18. As a result of the foregoing, the plaintiff was rendered sick, sore, lame and disabled and sustained severe and permanent personal injuries, was and is internally and externally disabled causing him to suffer pain, and for a time he was prevented from attending to his daily labors, thereby losing sums of money which he otherwise would have earned as wages, and has endeavored to be cured of his injuries, and has expended sums of money to maintain himself, and will continue to endure pain and suffering, all to his damage.

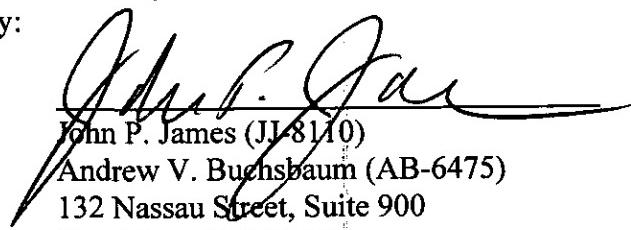
**WHEREFORE**, plaintiff demands judgment: against defendants CYCLOPS SHIPS LTD. and/or AGROS SHIPPING CO., LTD. and/or LONDON CHARTERING LTD. and/or WORLD TANKERS MANAGEMENT PTE., LTD. in the sum of TEN MILLION (\$10,000,000.00) DOLLARS; that process in due form of law, *in rem*, pursuant to Rules C and E of the Supplemental Rules for Certain Admiralty and Maritime Claims, according to the practice of this Honorable Court, issue against the M/V "Agros," its equipment, tackle and appurtenances; and that all persons claiming any interest therein may be required to appear and answer on oath all and singular the

matters aforesaid; that the M/V "Agros," its equipment, tackle and appurtenances be condemned and sold to satisfy the damages of plaintiff; together with the costs and disbursements of this action.

Dated: New York, New York  
August 11, 2010

**FRIEDMAN, JAMES & BUCHSBAUM LLP**  
Attorneys for Plaintiff

By:

  
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